

# FEDERAL REGISTER

THE NATIONAL ARCHIVES  
OF THE UNITED STATES  
1934

VOLUME 7      NUMBER 34

Washington, Wednesday, February 18, 1942

## The President

### EXECUTIVE ORDER

#### INCLUDING CERTAIN LANDS IN THE FREMONT NATIONAL FOREST

##### OREGON

By virtue of the authority vested in me by the act of April 14, 1934, 48 Stat. 590, to revise the boundaries of the Fremont National Forest in the State of Oregon, it is ordered that, subject to the conditions therein expressed and to valid existing rights, and to the provisions of existing power and reclamation withdrawals, the following-described lands, which are principally valuable for the production of timber, and which, in my opinion, can best be administered by the Forest Service of the Department of Agriculture, be, and they are hereby, included in the Fremont National Forest, such lands to be subject to all laws relating to national forests:

##### OREGON

##### Willamette Meridian

T. 29 S., R. 12 E.,  
sec. 2, all;  
T. 29 S., R. 13 E.,  
sec. 14, SW $\frac{1}{4}$ ;  
sec. 15, S $\frac{1}{2}$ ;  
sec. 16, S $\frac{1}{2}$ ;  
T. 29 S., R. 14 E.,  
sec. 16, S $\frac{1}{2}$ ;  
T. 32 S., R. 16 E.,  
sec. 35, E $\frac{1}{2}$ ;  
T. 33 S., R. 17 E.,  
sec. 7, E $\frac{1}{2}$ ;  
sec. 17, W $\frac{1}{2}$ ;  
T. 34 S., R. 18 E.,  
sec. 25, S $\frac{1}{2}$ ;  
sec. 26, SE $\frac{1}{4}$ ;  
sec. 35, N $\frac{1}{2}$ ;  
sec. 36, all;  
T. 36 S., R. 19 E.,  
sec. 13, all;  
T. 36 S., R. 20 E.,  
sec. 20, NE $\frac{1}{4}$ ;  
sec. 21, N $\frac{1}{2}$ ;  
T. 37 S., R. 22 E.,  
sec. 34, NE $\frac{1}{4}$ ;  
T. 38 S., R. 22 E.,  
sec. 3, all;  
sec. 5, all;  
sec. 7, Lots 3, 4, E $\frac{1}{2}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
sec. 8, all;

sec. 9, all;  
sec. 10, all;  
sec. 15, N $\frac{1}{2}$ , SW $\frac{1}{4}$ ;  
sec. 16, all;  
sec. 17, all;  
sec. 18, all;  
sec. 19, all;  
sec. 20, all;  
sec. 29, W $\frac{1}{2}$ ;  
sec. 30, all;  
sec. 31, all;  
T. 39 S., R. 22 E.,  
sec. 5, all;  
sec. 6, all;  
sec. 7, all;  
sec. 8, all;  
sec. 17, all;  
sec. 20, N $\frac{1}{2}$ ;  
sec. 31, E $\frac{1}{2}$ , Lots 3, 4, E $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
T. 40 S., R. 22 E.,  
sec. 5, W $\frac{1}{2}$ ;  
sec. 6, E $\frac{1}{2}$ ;  
sec. 8, NW $\frac{1}{4}$ ;  
sec. 17, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
sec. 20, W $\frac{1}{2}$ ;  
sec. 29, S $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
sec. 32, NW $\frac{1}{4}$ ;  
sec. 33, all.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
February 12, 1942.  
[No. 9060]

[F. R. Doc. 42-1390; Filed, February 16, 1942;  
2:07 p. m.]

### EXECUTIVE ORDER

#### PLACING CERTAIN LANDS WITHIN THE FREMONT NATIONAL FOREST UNDER THE ADMINISTRATION OF THE DEPARTMENT OF THE INTERIOR

##### OREGON

By virtue of the authority vested in me by section 13 of the act of June 28, 1934, 48 Stat. 1274 (U.S.C., title 43, sec. 315 l), commonly known as the Taylor Grazing Act, and subject to the conditions therein expressed and to valid existing rights, it is ordered that the following-described lands now within the Fremont National Forest in the State of Oregon, which are principally valuable for grazing, and which, in my opinion, can best be administered under the provisions of the said act of June 28, 1934,

## CONTENTS

### THE PRESIDENT

	Page
<b>Executive Orders:</b>	
Fremont National Forest, Oreg.: Lands added, placed under administration of Forest Service.....	1059
Lands placed under admin- istration of Interior De- partment.....	1059
<b>RULES, REGULATIONS, ORDERS</b>	
<b>TITLE 20—EMPLOYEES' BENEFITS:</b>	
Social Security Board: Federal old-age and survivors insurance; certification of records of age, death, and marriage .....	1060
<b>TITLE 32—NATIONAL DEFENSE:</b>	
Office of Petroleum Coordinator: Petroleum Industry War Council .....	1068
Subcommittee of Supplies and Distribution, District One.....	1069
Transportation cost equaliza- tion, District Five.....	1068
War Production Board: Hurley Machine Division, Electric Household Utili- ties Corp., suspension or- der amended .....	1063
Priorities orders, amend- ments, etc.:	
Graphite, madagascar flake.....	1064
Light aircraft.....	1067
Musical instruments.....	1066
Natural gas consumption...	1065
Refrigerators, domestic mechanical (2 docu- ments).....	1063
Steel, shot and bullet core...	1062
Regulations applicable to op- eration of priorities sys- tem:	
Interpretation of orders with respect to assign- ability of quotas.....	1062
Signature of endorsements evidencing preference ratings.....	1062

(Continued on next page)



Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.25 per month or \$12.50 per year; single copies 10 cents each; payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C.

### CONTENTS—Continued

<b>TITLE 32—NATIONAL DEFENSE—Con.</b>	
Selective Service System:	Page
Forms prescribed (2 documents)-----	1061
Nevada local board physical examinations waived in certain areas-----	1061
Weeping Water Camp Project, Nebraska-----	1061
<b>TITLE 46—SHIPPING:</b>	
Bureau of Marine Inspection and Navigation:	
Transportation or storage of explosives, etc.; dangerous cargo regulations amended-----	1070
<b>NOTICES</b>	
Federal Power Commission:	
Southern California Edison Co. Ltd., hearing postponed----	1072
Securities and Exchange Commission:	
Hearings:	
Loring, Augustus P., Jr.-----	1072
Shattuck & Brooks-----	1072
United Light and Power Co., et al-----	1073

be, and they are hereby, placed under the administration of the Department of the Interior, such lands to be subject to all public-land laws and regulations applicable to grazing districts created under the authority of the said act:

OREGON

Williamette Meridian

T. 28 S., R. 12 E.,  
sec. 36, all;  
T. 27 S., R. 13 E.,  
sec. 22, E½;  
sec. 27, E½;  
T. 29 S., R. 13 E.,  
sec. 18, E½;  
T. 29 S., R. 14 E.,  
sec. 8, W½;  
sec. 15, SE¼;  
sec. 17, N½;  
sec. 18, N½;

T. 29 S., R. 15 E.,  
sec. 18, SE¼;  
sec. 24, S½;  
secs. 25 and 26;  
sec. 27, S½;  
sec. 28, S½;  
T. 29 S., R. 16 E.,  
secs. 19, 20, 27, 28, 29, and 30;  
sec. 35, N½, SE¼;  
T. 30 S., R. 16 E.,  
sec. 2, E½;  
sec. 11, E½;  
T. 33 S., R. 17 E.,  
sec. 23, N½;  
sec. 24, N½;  
T. 33 S., R. 18 E.,  
sec. 19, S½;  
secs. 27, 28, 29, 32, 33, and 34;  
T. 34 S., R. 18 E.,  
secs. 3 and 4.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
February 12, 1942.

[No. 9061]

[F. R. Doc. 42-1391; Filed, February 16, 1942;  
2:07 p. m.]

### Rules, Regulations, Orders

#### TITLE 20—EMPLOYEES' BENEFITS

##### CHAPTER III—SOCIAL SECURITY BOARD

[Regulations No. 3, further amended]

##### PART 403—FEDERAL OLD-AGE AND SURVIVORS INSURANCE<sup>1</sup>

##### CERTIFICATION OF RECORDS IN EVIDENCE OF AGE, DEATH AND MARRIAGE

This regulation amends Regulations No. 3<sup>2</sup> (Part 403, Title 20, Code of Federal Regulations, 1940 Sup.) by amending paragraphs (b), (c), and (d) of § 403.702 of Regulations No. 3 as follows:

§ 403.702 *Supporting evidence as to right to receive benefits and lump sums.*

(b) *Evidence as to age.* An applicant for benefits shall file supporting evidence showing the date and place of his birth, if his age is a condition of entitlement. Such evidence may also be required by the Board as to the age of any other individual when such other individual's age is relevant to the determination of the applicant's entitlement. Evidence of age shall be of the following character:

(1) A copy of the public record of birth or a statement as to the date of birth shown by such record, duly certified by the custodian of such record or by an individual designated by the Board; or

<sup>1</sup> Under title II of the Social Security Act, as amended, effective January 1, 1940.

<sup>2</sup> For a chronological description of the statutory basis for the old-age and survivors insurance system under title II of the Social Security Act, as amended, and the regulations which have been issued thereunder, see § 403.1 of Regulations No. 3 of the Social Security Board. (§ 403.1, Title 20, Code of Federal Regulations, 1940 Sup.)

<sup>3</sup> 5 F.R. 1849, 4169; 6 F.R. 5287, 5288, 5510.

(2) A copy of a church record of infant baptism or a statement as to the date of birth shown by such record, duly certified by the custodian of such record or by an individual designated by the Board; or

(3) A written notification from the Bureau of the Census or other public agency that a described record of birth has been established at a public registry of vital statistics.

If none of the evidence described in subparagraphs (1), (2), or (3) of this paragraph is readily obtainable, the reason therefor should be stated and the Board may in its discretion accept:

(4) A statement of the physician or midwife who attended at the time of the birth of such applicant or other individual; or

(5) A certification, upon the approved form, that there exists a Bible or other family record showing the age of the applicant or of such other individual, as stated on such form; or

(6) Other evidence of probative value.

If the applicant for benefits is residing in the United States, but was born in another country, and none of the evidence described in subparagraphs (1) and (2) of this paragraph is available in the United States, the applicant may submit an immigration or naturalization record, or other evidence of probative value, which shows the date and place of his birth.

(c) *Evidence as to death.* An applicant for benefits or a lump sum based upon the wages of a deceased individual shall file supporting evidence as to the death of such individual, and as to the time and place of such death. Such evidence may also be required by the Board as to the death of any other individual when such other individual's death is relevant to the determination of the applicant's entitlement. Such evidence shall be of the following character:

(1) A certified copy of the public record of death, coroner's report of death, or verdict of the coroner's jury of the State or community where death occurred, or a certificate by the custodian of the public record of death or a statement of the contents of the record of death certified by an individual designated by the Board; or

(2) A statement of the funeral director, attending physician, or of the superintendent, physician, or interne of the institution where the death occurred.

If none of the evidence described in subparagraphs (1) and (2) of this paragraph is obtainable, the reason therefor should be stated and the applicant may submit:

(3) The verified statements of two or more persons, having personal knowledge of the death, setting forth the facts and circumstances as to the place, date, and cause of death; or

(4) Other evidence of probative value.

If death occurs outside the United States there must be furnished a report of the death by a United States consul,

or other agent of the State Department, bearing the signature and official seal of such consul or agent, or a certified copy of the public record of death authenticated by the United States consul or other agent of the State Department, or other evidence of probative value.

Whenever it is necessary to determine the death of an individual other than the wage earner, in order to determine the right of another to a benefit under section 202 (f) or a lump sum under section 202 (g) of the Act, and such individual has been unexplainedly absent from his residence and unheard of for a period of 7 years, the Board, upon satisfactory establishment of such facts, will presume that such individual has died, in the absence of any substantial evidence to the contrary.

(d) *Evidence as to marriage.* A wife or widow who applies for benefits (see paragraph (j) of this section as to applications for lump sums) upon the basis of the wages of her husband or deceased husband shall file supporting evidence as to her marriage to such individual, and as to the time and place of marriage. Evidence of marriage may also be required by the Board as to the marriage of any other individual when such a marriage is relevant to the determination of an applicant's entitlement.

(1) *Ceremonial marriage.* Evidence as to a ceremonial marriage shall be of the following character:

(i) A copy of the public record of marriage or a statement as to the marriage, duly certified by the custodian of such record or by an individual designated by the Board; or

(ii) A copy of the church record of marriage or a statement as to such marriage, duly certified by the custodian of such record or an individual designated by the Board; or

(iii) The original certificate of marriage.

If none of the evidence described in subdivisions (i), (ii), and (iii) of this subparagraph is obtainable, the reason therefor should be stated and the applicant may submit:

(iv) The verified statement of the clergyman or official who performed the marriage ceremony; or

(v) Other evidence of probative value. (Sec. 205 (a), 53 Stat. 1368, sec. 1102, 49 Stat. 647; 42 U.S.C., Sup., 405 (a) 1302)

In pursuance of sections 205 (a) and 1102 of the Social Security Act, as amended, the foregoing regulation adopted by the Board is hereby prescribed this 9th day of February 1942.

[SEAL] SOCIAL SECURITY BOARD.  
A. J. ALTMAYER,  
Chairman.

Approved: February 14, 1942.

PAUL V. McNUTT,  
Federal Security Administrator.

[F. R. Doc. 42-1398; Filed, February 17, 1942;  
10:42 a. m.]

## TITLE 32—NATIONAL DEFENSE

### CHAPTER VI—SELECTIVE SERVICE SYSTEM

#### ORDER WAIVING LOCAL BOARD PHYSICAL EXAMINATION OF LOCAL BOARDS IN THE AREAS IN THE STATE OF NEVADA WHICH HAVE BEEN DESIGNATED AS THE "GERLACH AREA" AND THE "AUSTIN AREA"

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885), as amended, and the authority vested in me by the rules and regulations prescribed thereunder, and more particularly the provisions of § 623.35 of the Selective Service Regulations, and with respect to those registrants who are now being classified or who may hereafter be classified, and who reside in areas in the State of Nevada which have been designated by the State Director of Selective Service of Nevada as the "Gerlach area" and the "Austin area," I hereby waive the requirement that such registrants be physically examined by an examining physician in the manner provided in Part 623, Selective Service Regulations, and I hereby direct that the classification of such registrants be completed in the manner provided in § 623.51 (f), Selective Service Regulations, without such physical examination by a local board examining physician.

LEWIS B. HERSHEY,  
Director.

FEBRUARY 13, 1942.

[F. R. Doc. 42-1388; Filed, February 16, 1942;  
12:15 p. m.]

[Order No. 25]

#### WEeping WATER CAMP PROJECT, NEBRASKA

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of section 5 (g) of the Selective Training and Service Act of 1940 (54 Stat. 885) and pursuant to authorization and direction contained in Executive Order No. 8675 dated February 6, 1941, hereby designate the Weeping Water Camp project to be work of national importance, to be known as Civilian Public Service Camp No. 25. Said camp, located at Weeping Water, Cass County, Nebraska, will be the base of operations for soil conservation work in the State of Nebraska, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and non-combatant military service and have been placed in Class IV-E, may be assigned to said camp in lieu of their induction for military service.

The work to be undertaken by the men assigned to said Weeping Water Camp will consist of the establishment of a program tending to develop sound land use practices which will prevent the spread of erosion, and shall be under the technical direction of the Soil Conservation Service of the United States Department of Agriculture insofar as concerns the planning and direction of the work program. The camp, insofar as

camp management is concerned, will be under the direction of approved representatives of the National Service Board for Religious Objectors. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,  
Director.

FEBRUARY 11, 1942.

[F. R. Doc. 42-1369; Filed, February 16, 1942;  
12:15 p. m.]

[No. 52]

#### ORDER PRESCRIBING FORMS

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of Paragraph 163 and Appendix A to Volume One of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Revision of DSS Form 250, formerly entitled "Certificate of Employment of Office Assistants," and its reissuance under the title "Report of Employment, Separation, or Status Change for Local Board Employee," effective immediately upon the filing hereof with the Division of the Federal Register.<sup>1</sup> Upon receipt of the revised DSS Form 250, the use of the original DSS Form 250 will be discontinued and all unused copies thereof will be destroyed.

The foregoing revision and discontinuance shall, effective immediately upon the filing hereof with the Division of the Federal Register, become a part of Appendix A to Volume One, Selective Service Regulations.

LEWIS B. HERSHEY,  
Director.

JANUARY 13, 1942.

[F. R. Doc. 42-1397; Filed, February 16, 1942;  
4:24 p. m.]

[No. 53]

#### ORDER PRESCRIBING FORMS

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of section 605.51 of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Addition of a new form designated as DSS Form 3A, entitled "Duplicate List of Registrants," effective immediately

<sup>1</sup> Filed as part of the original document.

upon the filing hereof with the Division of the Federal Register.<sup>1</sup>

The foregoing addition shall, effective immediately upon the filing hereof with the Division of the Federal Register, become a part of the Selective Service Regulations.

LEWIS B. HERSHEY,  
Director.

FEBRUARY 2, 1942.

[F. R. Doc. 42-1396; Filed, February 16, 1942;  
4:24 p. m.]

## CHAPTER IX—WAR PRODUCTION BOARD

### SUBCHAPTER B—DIVISION OF INDUSTRY OPERATIONS

#### PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

##### Priorities Regulation No. 7

§ 944.27 *Priorities Regulation No. 7; signature of endorsements evidencing preference ratings.* (a) Whenever any Order or Regulation heretofore or hereafter issued requires the placing upon any purchase order or contract (or upon any document referring to such purchase order or contract) of an endorsement evidencing the application or extension of a duly assigned preference rating, such endorsement shall be signed by the party placing the purchase order or contract or by a responsible individual duly authorized to sign on behalf of such party. Such signature must be either manual or in the form of a facsimile, provided that:

(1) Each use of such facsimile signature with respect to each such purchase order or contract must be approved by the individual whose facsimile signature is used or by another responsible individual duly authorized by him.

(2) Such approval must be evidenced in the case of each such purchase order or contract by a written record manually signed or initialed by the individual approving use of the facsimile. Such a record may refer to several purchase orders or contracts as to which use of the facsimile signature has been approved at the same time, but each such purchase order or contract must be separately indicated thereon. Such record need not accompany the purchase order or contract (or document referring thereto) on which the facsimile signature is used, but must be preserved for not less than two years for inspection by representatives of the Director of Industry Operations.

(b) Each such endorsement shall be deemed to constitute a representation to the Director of Industry Operations by (1) the party placing the purchase order or contract, (2) the individual whose sig-

nature is used, and (3) the individual approving the use of the same, that the statements contained in the endorsement are true.

(c) The provisions of this Regulation shall supersede any inconsistent provision contained in any Regulation or Order heretofore issued concerning the manner in which signatures must or may be made on any such endorsement. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 17th day of February 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-1403; Filed, February 17, 1942;  
11:52 a. m.]

#### PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

§ 944.28 *Interpretation of limitation and conservation orders with respect to the assignability of quotas.* In general, where any order limits the amount of material which may be used or the number of units which may be produced by any person, whether by reference to a specified percentage of his use or production during a previous base period or otherwise, such limitations remain in effect regardless of the extent to which a producer's business may have been increased by assignment from other producers. If a producer's business is sold as a going concern and continues, in the hands of the purchaser, to make substantially the same product at the same plant and with substantially the same personnel (other than executive officers), the identity of the producer will be deemed unchanged for the purpose of such limitations. Any other arrangement whereby one producer purports to assign to another producer his quota for use of a specific material or for production of a particular product is prohibited and invalid unless specifically authorized by the Director of Industry Operations.

In appropriate cases, the Director of Industry Operations may permit the assignment of quotas when it is deemed to be desirable for the prosecution of the war or for the essential civilian economy. In cases where such permission is granted the Director may specify the same limitations under which the predecessor operated or such other limitations as he may deem appropriate in the particular case. Applications for such permission will be regarded as appeals from the applicable orders. They should be made in writing addressed to the War Production Board and referring specifically to the limitation or conservation orders involved. Such appeals may be made

jointly by the parties to a proposed transfer. In every case the effect of the existing restrictions on the producer or producers in question should be precisely stated, together with the essential terms of the proposed transaction and the amount of any consideration to be paid. Where a cash consideration is to be paid, it is not expected that the Director will approve a transfer involving merely the assignment of a quota as such, without assignment of the business as a going concern, "farming out" for the account of the assignor, licensing or some similar arrangement. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 17th day of February 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-1404; Filed, February 17, 1942;  
11:52 a. m.]

#### PART 962—STEEL

##### Supplementary Order M-21-f—Shot and Bullet Core Steel

Whereas the fulfillment of requirements for the defense of the United States and the prosecution of the present war will result in a shortage of facilities for the production of steel for shot and bullet core and a consequent shortage in the supply of such material for defense, for private account and for export, and it is necessary to utilize effectively all available facilities for the production of such material;

Now, therefore, it is hereby ordered, That:

§ 962.7 *Supplementary Order M-21-f—(a) Definition.* For the purposes of this Order, "Shot and Bullet Core Steel" means steel, whether hot rolled or cold finished, to be used in the manufacture of those products listed in Schedule A hereto attached.

(b) *Allocation program adopted.* Beginning March 1, 1942, no producer of shot and bullet core steel shall make delivery of such material and no person shall accept delivery thereof from a producer except pursuant to an allocation order issued on Form PD-201 specifically directing such delivery.

(c) *Reports.* Until further notice, reports shall be filed with the War Production Board and with the Army and Navy Munitions Board, weekly on Form PD-307 by producers of shot and bullet core steel, and monthly on Form PD-308 by purchasers of such material.

(d) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O.

<sup>1</sup>Filed as part of the original document.

9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a) Pub. No. 671, 76th Cong., 3d sess.; as amended by Pub. No. 89, 77th Cong., 1st sess.)

Issued this 17th day of February 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

Schedule A to Supplementary Order  
M-21-f

Shot

20 mm. Armor Piercing and Semi-Ar-  
mor Piercing.

37 mm. Armor Piercing and Semi-Ar-  
mor Piercing.

40 mm. Armor Piercing.

57 mm. Armor Piercing and Semi-Ar-  
mor Piercing.

75 mm. Armor Piercing and Semi-Ar-  
mor Piercing.

3 inch Armor Piercing and Semi-Ar-  
mor Piercing.

Bullet Core

Caliber .30.

Caliber .50.

[F. R. Doc. 42-1406; Filed, February 17, 1942;  
11:54 a. m.]

#### PART 989—DOMESTIC MECHANICAL REFRIGERATORS

##### Supplementary General Limitation Order L-5-b To Restrict the Sale and Delivery of Domestic Mechanical Refrigerators

In accordance with the provisions of §§ 989.1 and 989.2<sup>1</sup> (General Limitation Orders L-5 and L-5-a), which the following Order supplements,  
It is hereby ordered, That:

§ 989.3 *Supplementary General Limitation Order L-5-b—(a) Prohibition of transactions in domestic mechanical refrigerators from the effective date of this Order.* From the effective date of this Order, no Person shall sell, lease, trade, deliver, ship or transfer any New Domestic Mechanical Refrigerator (whether produced before or after the effective date of this Order) to any other Person, except:

(1) Pursuant to sales at retail (or the financing of sales at retail), not more than the greater of the following two limits:

(i) 100 New Domestic Mechanical Refrigerators, or

(ii) 1/12 of the number of New Domestic Mechanical Refrigerators sold by him at retail during the year 1941;

(2) Any New Domestic Mechanical Refrigerators actually in transit at the time this Order takes effect may be delivered to their immediate destination; or

(3) Pursuant to specific order of the Director of Industry Operations.

<sup>1</sup> 6 F.R. 5008, 5256; 7 F.R. 116.

(b) *Definitions.* (1) "New domestic mechanical refrigerator" means any Domestic Mechanical Refrigerator which has never been used by an ultimate consumer.

(2) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(c) *Records and reports.* (1) Every Person who has any New Domestic Mechanical Refrigerators on the effective date of this Order shall keep and preserve for not less than two years accurate and complete records of all such New Domestic Mechanical Refrigerators and of all sales and shipments made by him pursuant to this Order. Such records shall be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(2) On or before March 1, 1942, every manufacturer of Domestic Mechanical Refrigerators and every other person holding New Domestic Mechanical Refrigerators which he cannot ship or sell under the provisions of subparagraph (a) (1) shall file with the War Production Board a statement of the number and location of completed New Domestic Mechanical Refrigerators in stock on February 14, 1942, by size and type, together with the number of such Refrigerators which he can ship and sell under the provisions of subparagraph (a) (1).

(d) *Communications.* All reports and other communications concerning this Order shall be addressed to: War Production Board, Washington, D. C. Ref. 1-5-b.

(e) *Effective date.* This Order is to take effect immediately after being signed by the Director of Industry Operations. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong. 3rd Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 14th day of February, 1942,  
10 A. M. Eastern War Time.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-1410; Filed, February 17, 1942;  
11:56 a. m.]

#### PART 989—DOMESTIC MECHANICAL REFRIGERATORS

##### Interpretation No. 1 of Supplementary General Limitation Order L-5-b To Restrict the Sale of Domestic Mechanical Refrigerators

The following interpretation is hereby issued by the Director of Industry Operations with respect to § 989.3, Supplementary General Limitation Order L-5-b, dated February 14, 1942.

No person is authorized to sell, lease, trade, deliver, ship or transfer any new Domestic Mechanical Refrigerators pursuant to a retail sale under the provisions of subparagraph (a) (1) of General Limitation Order L-5-b which were received by him after 10:00 A. M., Eastern War Time, February 14, 1942, except such new Refrigerators as were actually in transit to him at that time. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 16th day of February 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[P. R. Doc. 42-1402; Filed, February 17, 1942;  
11:52 a. m.]

#### PART 1010—SUSPENSION ORDERS

##### Amendment No. 1 To Suspension Order S-11—Hurley Machine Division of Electric Household Utilities Corpora- tion.

Paragraph (c) of Suspension Order S-11,<sup>1</sup> issued by the Director of Industry Operations on February 6, 1942, is hereby amended to read as follows:

##### § 1010.11 *Suspension Order S-11.*

(c) During the period in which this Order shall be in effect, Hurley Machine Division of Electric Household Utilities Corporation, its successors and assigns, shall not transfer or deliver electric washing machines, electric ironing machines, parts for electric washing machines, or parts for electric ironing machines, except as specifically authorized by the Director of Industry Operations: *Provided, however,* That Hurley Machine Division of Electric Household Utilities Corporation may deliver or transfer such machines, or the parts thereof, for the purpose of storing the same for its own account, and may deliver or transfer electric washing machine parts or electric ironer parts for repair purposes. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Public No. 671, 76th Cong., 3d Sess., as amended by Public No. 89, 77th Cong., 1st Sess.)

This Amendment shall take effect immediately. Issued this 16th day of February 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[P. R. Doc. 42-1392; Filed, February 16, 1942;  
2:27 p. m.]

<sup>1</sup> 7 F.R. 902.

## PART 1038—MADAGASCAR FLAKE GRAPHITE

*Conservation Order No. M-61 Curtailing the Use of Madagascar Flake Graphite*

Whereas Madagascar Flake Graphite must be imported from Madagascar and the present supply thereof which can be used for the manufacture of crucibles is insufficient for the combined needs of defense, private account and export; and it is necessary in the public interest and to promote the defense of the United States to conserve the supply of Madagascar Flake Graphite which can be used for the manufacture of crucibles, Now, therefore, it is hereby ordered, That:

§ 1038.1 *Conservation Order No. M-61—(a) Definition.* For the purposes of this Order:

"Put into process" means the first change by a Person in the form of material from that form in which it is received by him.

(b) *Restrictions on use of Madagascar Flake Graphite.* On and after the effective date of this Order, no Person shall put into process for any purpose other than the manufacture of crucibles any Madagascar Flake Graphite which is of a grade that can be used for the manufacture of crucibles, except pursuant to the specific authorization of the Director of Industry Operations, and on and after February 23, 1942, no Person shall put into process for the manufacture of crucibles any Madagascar Flake Graphite, except pursuant to the specific authorization of the Director of Industry Operations.

(c) *Restrictions on delivery of crucibles and other articles containing Madagascar Flake Graphite.* On and after the effective date of this Order, no Person shall deliver or accept delivery of any crucible containing Madagascar Flake Graphite, except pursuant to the specific authorization of the Director of Industry Operations; nor shall any Person deliver or accept delivery of any article, other than a crucible, containing Madagascar Flake Graphite of a grade which could have been used for the manufacture of crucibles, except pursuant to the specific authorization of the Director of Industry Operations, unless such Madagascar Flake Graphite was put into process prior to the effective date of this Order.

(d) *Restrictions on delivery of Madagascar Flake Graphite.* On and after the effective date of this Order, no Person shall deliver and no Person other than the Metals Reserve Company shall accept delivery of any Madagascar Flake Graphite of a grade which can be used for the manufacture of crucibles, except pursuant to the specific authorization of the Director of Industry Operations.

(e) *General exception.* Where and to the extent the use of any less scarce material is impracticable, the prohibitions, limitations and restrictions contained in paragraph (b) hereof shall not apply to

the putting into process of Madagascar Flake Graphite of a grade which can be used for the manufacture of crucibles when such Graphite is to be physically incorporated into any Item which is being produced for delivery under a contract or subcontract for the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development or for any foreign country pursuant to the Act of March 11, 1941 entitled "An Act to Promote the Defense of the United States," (Lend-Lease Act), if in any such case the use of Madagascar Flake Graphite of a grade which can be used for the manufacture of crucibles to the extent employed is required by the specifications of the prime contract; and the prohibitions and restrictions contained in paragraph (c) hereof shall not apply to the delivery or acceptance of delivery, pursuant to such a contract or subcontract, of any Item if its manufacture was exempted under the provisions of this paragraph.

(f) *Forms.* Any Person seeking specific authorization from the Director of Industry Operations to accept delivery of any article, including crucibles, containing any Madagascar Flake Graphite of a grade which can be used for the manufacture of crucibles shall apply on Form PD I-A to the Director of Industry Operations for permission to do so, and also for specific authorization to a manufacturer to put into process such Madagascar Flake Graphite where the article is not a crucible, and to deliver the article to the applicant whether or not it is a crucible. Any Person seeking specific authorization from the Director of Industry Operations to accept delivery of any Madagascar Flake Graphite of a grade which can be used for the manufacture of crucibles and to put any Madagascar Flake Graphite, whenever acquired, into process for the manufacture of crucibles, shall apply monthly on Forms PD-303A and PD-303B to the Director of Industry Operations for permission to do so, and also for specific authorization to a Person to make the deliveries of such Graphite which the applicant is authorized to receive.

(g) *Miscellaneous provisions—(1) Appeals.* Any Person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of Madagascar Flake Graphite of a grade which can be used for the manufacture of crucibles conserved, or that compliance with this Order would disrupt or impair defense work may appeal to the War Production Board, Washington, D. C., Reference: N-61 setting forth the pertinent facts and the reason he considers he is entitled to relief. The Di-

rector of Industry Operations may thereupon take such action as he deems appropriate.

(2) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(3) *Applicability of Order.* The prohibitions and restrictions contained in this Order shall apply to the putting into process of material in all articles hereafter manufactured and to deliveries of articles or material hereafter made irrespective of whether such articles are manufactured or such deliveries are made pursuant to a contract made prior or subsequent to the effective date hereof. Insofar as any other Order of the Director of Priorities or of the Director of Industry Operations may have the effect of limiting or curtailing to a greater extent than herein provided the delivery or putting into process of Madagascar Flake Graphite of a grade which can be used for the manufacture of crucibles or the delivery of any products made therewith, the limitations of such other Order shall be observed.

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref: M-61

(5) *Violations or false statements.* Any Person who violates this Order, or who wilfully falsifies any records which he is required to keep by the terms of this Order, or by the Director of Industry Operations, or who otherwise wilfully furnishes false information to the Director of Industry Operations or to the War Production Board or its chairman may be deprived of priorities assistance or may be prohibited by the Director of Industry Operations from obtaining any further deliveries of materials subject to allocation. The Director of Industry Operations may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(6) *Effective date.* This order shall take effect upon the date of issuance and shall continue in effect until revoked by the Director of Industry Operations. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong. 1st Sess.)

Issued this 17th day of February 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-1405; Filed, February 17, 1942; 11:53 a. m.]



## PART 1056—NATURAL GAS

*Limitation Order L-31 To Curtail Consumption of Natural Gas*

Whereas because of increased gas requirements for war production and civilian uses, and because of scarcity of materials for the construction of pipe lines and other facilities, shortages of natural gas have occurred in certain areas of the United States and are threatened in others; and

Whereas during periods of adverse weather conditions, the demand for natural gas in many areas will increase beyond the capacity of existing facilities to meet such demand; and

Whereas the limitations upon deliveries of natural gas and the integration of gas system operations hereinafter ordered are necessary in order to maintain gas deliveries to war industries and essential civilian services;

Now, therefore, it is ordered, That:

## § 1056.1 General limitation order—

(a) *Definitions.* For the purposes of this section:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not.

(2) "Utility" means any person in the United States supplying natural gas or mixed natural and manufactured gas, directly or indirectly, for general use by the public.

(3) "Consumer" means an ultimate user of gas purchased or otherwise received from any Utility.

(4) "Standby facilities" means equipment in serviceable operating condition designed to use oil, electricity, coal or other fuel to replace natural gas, and for the operation of which a supply of such fuel is available.

(b) *Integration of gas system operation.* Each Utility shall so operate its gas manufacturing, transmission, storage, distribution, and other facilities, and shall so interchange gas with other Utilities as to achieve as far as practicable maximum output in the area or areas in which a shortage exists or is imminent, and each Utility shall make such pooling arrangements as may be necessary to effectuate such purpose. Where necessary for such purpose, the Director of Industry Operations will, from time to time, issue specific directions as to the operation of gas manufacturing, transmission, storage, distribution, and other facilities, and as to deliveries of gas.

(c) *Limitation on deliveries of natural or mixed natural and manufactured gas.*

(1) In the event that the supply of natural or mixed natural and manufactured gas available in an area served by any Utility is insufficient to meet the demand therefor, and reduction in deliveries to Consumers becomes necessary, the Utility supplying such area shall reduce deliveries to its Consumers in the following manner and in accordance with such other specific directions as the Director

of Industry Operations may from time to time issue:

(i) First, the Utility shall, within the limits of its contractual rights, reduce deliveries to all dump or surplus Consumers not engaged in war production, and deliveries to Consumers who have Standby Facilities, the operation of which can directly or indirectly reduce the total demand for natural or mixed natural and manufactured gas in the area.

(ii) Second, the Utility shall, to the extent necessary, operate all of its available gas manufacturing equipment so as to effect directly or indirectly the maximum increase in the supply of gas in the area.

(iii) Third, the Utility shall, without regard to its contractual rights or those of any Consumer, reduce deliveries to all other Consumers who have Standby Facilities to the extent that the operation of such facilities can directly or indirectly alleviate the shortage of natural or mixed natural and manufactured gas in the area, and no such Consumer, after notification of the reduction in deliveries required shall accept deliveries of gas unless his Standby Facilities are being operated so as to effect the required reduction in his purchases of gas.

(iv) Fourth, the Utility shall, without regard to its contractual rights or those of any Consumer, reduce as far as practicable deliveries to Consumers in such manner as will cause the least interference with war production, and each Consumer who receives notification of the reduction in deliveries required shall reduce his acceptance of deliveries accordingly.

(2) Whenever any Utility finds it necessary to make any reduction in deliveries of gas to any Consumer in accordance with paragraphs (c) (1) (iii) and (c) (1) (iv) of this section, it shall promptly notify the Consumer and at the same time give telegraphic notice thereof, to the Power Branch, War Production Board.

(3) Following each such shortage period, each affected Utility shall submit a detailed report of the quantities of gas conserved by the operation of Standby Facilities and the duration of curtailment and the extent to which each industrial Consumer was curtailed. Such report shall be filed on Form PD-283.

(4) Any Consumer who considers that any reduction in deliveries to him interferes materially with war production shall have the right to apply by telegram for relief to the Director of Industry Operations, who may grant such specific exemptions or take such other action as may be consistent with the purposes of this section. Such application shall state the nature of the war materials being manufactured, the extent to which production has been curtailed because of reduced delivery of gas, and the increase in delivery of gas required for restoration of full production.

(5) No consumer shall be relieved of the requirements of § 944.2 or any other

section of Priorities Regulation No. 1 Amended, by reason of the provisions of this paragraph (c).

(d) *Restrictions upon increased deliveries to non-residential consumers.* No Utility shall, after ten days following the effective date of this section, deliver natural or mixed natural and manufactured gas to any new non-residential Consumer in the areas specified in Exhibit "A" annexed hereto, as the same may be amended from time to time, or increase deliveries of such gas to any existing non-residential Consumer in such areas for the operation of any new gas equipment, unless:

(1) Such new or existing non-residential Consumer shall have installed, prior to the date of the increase in deliveries, Standby Facilities of sufficient capacity to replace the new or increased deliveries of such gas during periods of shutoff, or

(2) Such new or existing non-residential Consumer cannot reasonably use any fuel other than gas, natural, or mixed natural and manufactured, because of technical utilization factors or process requirements.

(3) Such new delivery or increase in deliveries shall have been specifically approved in advance by the Director of Industry Operations. Any Consumer or Utility who considers that such deliveries are necessary for war production may apply for such approval to the Director of Industry Operations, who may grant such specific exemptions or take such other action as may be consistent with the purposes of this section.

(e) *Prohibition against delivery to new space heating installations.* (1) No Utility shall deliver and no Consumer shall accept delivery of natural gas or mixed natural and manufactured gas in the areas specified in Exhibit "A" annexed hereto, as the same may be amended or modified from time to time by the Director of Industry Operations, for either of the following purposes:

(i) For the operation of central space heating equipment (or heating equipment supplying the major portion of the heating requirements of the premises), unless such equipment was installed prior to March 1, 1942, or unless, in the case of new construction, the equipment was specified in the construction contract, and the foundation under the main part of the structure in which the equipment is to be installed was completed prior to March 1, 1942; or

(ii) For the operation of central space heating equipment (or heating equipment supplying the major portion of the heat requirements of the premises), which has been converted from other fuel to natural or mixed natural and manufactured gas unless such conversion has been completed prior to ten days after the effective date of this section.

(2) Any Utility affected by the provisions of this paragraph (e) or any governmental agency which considers that

supply of gas available on any particular system or portion thereof is adequate to take care of all existing and estimated future requirements of war industry, and unrestricted civilian use for the period ending April 1, 1944, may apply for exemption of the system or any portion thereof from the provisions of this paragraph to the Director of Industry Operations, who may grant such specific exemptions or take such other action as may be consistent with the purposes of this section.

(f) *Appeal.* Any person affected by this section who considers that compliance therewith would work an exceptional and unreasonable hardship on him may appeal for relief to the Director of Industry Operations who may grant such specific exemptions or take such other action as may be consistent with the purposes of this section.

(g) *Reports and information.* (1) Each Utility shall keep and preserve for not less than two years accurate and complete records concerning deliveries of natural gas to Consumers. Such records shall be subject to inspection by duly authorized representatives of the War Production Board.

(2) All persons affected by this section shall execute and file with the War Production Board such reports and questionnaires as said Board shall, from time to time, request.

(h) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this section, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref.: L-31.

(i) *Violations.* Any person who willfully violates any provisions of this section, or any other order, direction or regulation, issued pursuant hereto, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this section, may be prohibited from delivering or receiving gas, or any other material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(j) *Effective date.* This section shall take effect immediately and, unless sooner terminated, shall continue in full force and effect until April 1, 1943. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d sess., as amended by Pub. No. 89, 77th Cong., 1st sess.)

Issued this 16th day of February 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

*Exhibit A—Areas Subject to Prohibitions Contained in Paragraph (e) of Limitation Order L-31*

Alabama (except the area served by the United Gas Pipe Line Company).  
Arkansas (only the area served by the Mississippi River Fuel Company).  
California.  
District of Columbia.  
Georgia.  
Illinois.  
Indiana.  
Kentucky.  
Maryland.  
Michigan.  
Mississippi (except the area served by the United Gas Pipe Line Company).  
Missouri.  
New York.  
Ohio.  
Pennsylvania.  
Tennessee.  
Virginia.  
West Virginia.

[F. R. Doc. 42-1380; Filed, February 16, 1942; 11:48 a. m.]

PART 1070—MUSICAL INSTRUMENTS

*General Limitation Order No. L-37 To Restrict the Production of Musical Instruments*

Whereas, the demands of national defense have created a shortage of materials used in the manufacture of musical instruments; action has already been taken to conserve the supply and direct the distribution of such materials to insure deliveries for defense and essential civilian requirements; and the present supply of these materials will be insufficient for defense and essential civilian requirements unless the manufacture of musical instruments is curtailed and the use of critical materials for such manufacture thereby reduced;

Now, therefore, it is hereby ordered, That:

§ 1070.1 *General Limitation Order L-37—(a) Definitions.* For the purposes of this Order:

(1) "Musical Instrument" means any manufactured instrument or other product designed primarily to produce music, except radios, phonographs, radio-phonographs, and articles designed primarily as toys.

(2) "Accessories" means bows, picks, music stands, piano stools and benches, instrument cases and other articles designed primarily for use in conjunction with musical instruments in order to facilitate the production of music, or protect or cover such instruments.

(3) "Producer" means any person engaged in the fabrication, assembling or any other operation or process connected

with the manufacture of musical instruments or accessories.

(4) "Critical materials" means iron, steel, magnesium, aluminum, nickel, chromium, rubber, copper and copper-base alloys, tin, lead, zinc, phenol formaldehyde plastics, neoprene and cork.

(5) "Critical materials used" means the aggregate weight of critical materials when first put into production by any producer, whether in the form of raw materials or contained in fabricated parts.

(b) *General restrictions.* (1) During the period of three months beginning with the first day of the first calendar month following the date of issuance of this Order no producer shall use in his aggregate production of musical instruments, accessories or parts thereof, more critical materials in the aggregate than the sum of the following:

(i) 18¾% of the critical materials used by him in the year 1940 in the manufacture of (a) all musical instruments containing less than 10% of critical materials by weight, (b) all accessories containing less than 10% of critical materials by weight, and (c) replacement parts for all musical instruments; plus

(ii) 16¼% of the critical materials used by him in the year 1940 in the manufacture of (a) all musical instruments containing 10% or more but less than 25% of critical materials by weight, and (b) all accessories containing 10% or more but less than 25% of critical materials by weight; plus

(iii) 12½% of the critical materials used by him in the year 1940 in the manufacture of (a) all musical instruments containing 25% or more of critical materials by weight, and (b) accessories containing 25% or more of critical materials by weight.

(c) *Avoidance of excessive inventories.* No manufacturer of musical instruments shall accumulate for use in the manufacture of such musical instruments inventories of raw materials, semi-processed materials, or finished parts in quantities in excess of the minimum amount necessary to maintain production of musical instruments at the rates permitted by this Order.

(d) *Records.* All persons affected by this Order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(e) *Audit and inspection.* All records required to be kept by this Order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(f) *Reports.* Each manufacturer to whom this Order applies shall file with the War Production Board such reports and questionnaires as said Board shall from time to time request.



(g) *Violations.* Any person who willfully violates any provision of this Order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(h) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this Order would disrupt or impair a program of conversion from non-defense to defense work may apply for relief by addressing a letter to the War Production Board setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(i) *Applicability of other orders.* Insofar as any other Order heretofore or hereafter issued by the Director of Priorities or the Director of Industry Operations limits the use of any material in the production of musical instruments to a greater extent than the limits imposed by this Order, the restrictions in such order shall govern unless otherwise specified therein.

(j) *Application of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provisions hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(k) *Communications.* All reports to be filed, appeals and other communications concerning this Order should be addressed to the War Production Board, Washington, D. C., Ref: L-37.

(l) *Effective date.* This Order shall take effect on the date of its issuance.

(P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Public No. 671, 76th Cong., 3rd Sess., as amended by Public No. 89, 77th Cong., First Sess.)

Issued this 17th day of February, 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-1407; Filed, February 17, 1942;  
11:54 a. m.]

#### PART 1087—LIGHT AIRCRAFT

##### *Limitation Order No. L-48 To Restrict the Production and Sale of Light Aircraft*

Whereas the manufacture of light aircraft requires the utilization of large

No. 34—2

quantities of critical materials, especially aluminum; the National Defense requirements have created a shortage of these materials for the combined needs of defense, private account and export; action has already been taken to conserve the supply and direct the distribution of such materials to insure deliveries for defense and for essential civilian requirements; and the present supply of these materials will be insufficient for defense and essential civilian requirements unless the manufacture and sale of light aircraft is curtailed and the use of critical materials for such manufacture is reduced;

Now therefore, it is hereby ordered, That:

§ 1087.1 *General Limitation Order L-48—(a) Definitions.* For the purposes of this Order:

(1) "Light aircraft" means any aircraft using an engine or engines of less than 500 horsepower in the aggregate.

(2) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(3) "New" as applied to light aircraft, means any light aircraft completed on or after October 1, 1941, which has been flown less than 100 hours.

(b) *Prohibition of sales of light aircraft.* (1) Except as hereinafter provided no person shall after the effective date of this Order sell, lease, trade, lend, deliver, ship, or otherwise transfer any new light aircraft; and no person shall accept any such sale, lease, trade, loan, delivery, shipment or transfer of any new light aircraft.

(2) Nothing in this Order shall prevent any person from making a sale, lease, trade, loan, delivery, shipment or transfer of a new light aircraft to or for the account of the following:

(i) The Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development.

(ii) The government of any of the following countries: The United Kingdom, Canada and other Dominions, Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, the Kingdom of the Netherlands, Norway, Poland, Russia and Yugoslavia.

(iii) Any agency of the United States Government, where such light aircraft is to be delivered to, or for the account of, the government of any country listed above, or any other country, including those of the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(iv) Any person specified as the purchaser of such light aircraft in any delivery schedule which has been approved by the Joint Aircraft Committee.

(v) Any member of the Civil Air Patrol, any Civilian Pilot Training Program operator or any State Guard Unit organized under the provisions of Army Regulations 850-250 (April 21, 1941), provided such member, operator or Unit endorses on the purchase order, bill of sale, contract or other instrument pursuant to which such transfer is made, a statement in the following form, specifying the status of the person acquiring such aircraft and manually signed by such person:

The undersigned hereby certifies to the War Production Board, pursuant to Limitation Order No. L-48, that the undersigned is

(Specify whether member of CAP, CPTP operator, or State Guard Unit).

and that the light aircraft described in this instrument is purchased solely for use in connection with such activity; and the undersigned agrees to retain said aircraft until not less than 300 hours of use in connection with such activity have been certified in its logbook.

Name of Person Acquiring Light Aircraft  
By \_\_\_\_\_

Duly Authorized Official

Such endorsement shall constitute a representation to the War Production Board and the transferor of such light aircraft of the facts therein set forth, and the transferor shall be entitled to rely on such representation unless he knows or has reason to believe it to be false.

(vi) Any other person who obtains from the War Production Board and files with the transferor of such light aircraft a certificate executed by the Director of Industry Operations, War Production Board, that he approves of such transfer.

(3) Nothing in this Order shall prevent:

(i) the transfer of title to a light aircraft pursuant to the terms of a conditional sale contract, chattel mortgage, bailment lease or similar instrument duly executed prior to midnight, Eastern War Time on the effective date of this Order;

(ii) the retaking, repossession or redelivery of any light aircraft upon default, breach or other contingency under the terms of a conditional sale contract, chattel mortgage, bailment lease or similar instrument executed prior to midnight, Eastern War Time on the effective date of this Order.

(c) *Restrictions on production of light aircraft.* (1) Except as hereinafter provided no person shall, after the effective date of this Order, commence to manufacture any light aircraft which has aluminum ribs and which contains in its airframe any quantity of aluminum in excess of 18% of the weight of such airframe; or any light aircraft which has ribs of any other material and which contains in its airframe any quantity of aluminum in excess of 12% of the weight of such airframe.

(2) On and after September 1, 1942, no person shall continue to manufacture any light aircraft which contains in its

airframe any quantity of aluminum in excess of 12% of the weight of such airframe, irrespective of whether or not such aircraft has aluminum ribs.

(3) The restrictions specified in subparagraphs (1) and (2) shall not apply to light aircraft manufactured pursuant to any contract or purchase order therefor placed by or for the account of any of the persons specified in paragraphs (b) (2) (i), (ii), (iii), and (iv) hereof.

(d) *Records.* All persons affected by this Order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and transfers.

(e) *Audit and inspection.* All records required to be kept by this Order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(f) *Reports.* All persons affected by this Order shall execute and file with the War Production Board such reports and questionnaires as requested by said Board from time to time. No reports or questionnaires are to be filed by any person until forms therefor have been prescribed by the War Production Board.

(g) *Violations.* Any person who willfully violates any provision of this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(h) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal to the War Production Board by a letter setting forth the pertinent facts and the reasons why he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(i) *Communications to War Production Board.* All appeals and all other communications concerning this Order shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref: L-48.

(j) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(k) *Effective date.* This Order shall take effect upon the date of the issuance thereof, and shall continue in effect until revoked by the Director of Industry Operations, subject to such amendments

or supplements thereto as may be from time to time issued by the Director of Industry Operations. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d sess., as amended by Pub. No. 89, 77th Cong., 1st sess.)

Issued this 17th day of February 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-1409; Filed, February 17, 1942;  
11:56 a. m.]

#### CHAPTER XIII—OFFICE OF PETROLEUM COORDINATOR FOR NATIONAL DEFENSE

[Recommendation No. 24, Amendment]

##### PART 1500—ADMINISTRATIVE; GENERAL

###### PETROLEUM INDUSTRY WAR COUNCIL

Pursuant to the President's letter of May 28, 1941, establishing the Office of Petroleum Coordinator for National Defense, §§ 1500.8 to 1500.12, inclusive, (Recommendation No. 24, dated December 11, 1941) are hereby amended by deleting therefrom the words "Petroleum Industry Council for National Defense", and "Petroleum Industry Council" and by substituting in lieu thereof the words "Petroleum Industry War Council".

R. K. DAVIES,  
Deputy Petroleum Coordinator  
for National Defense.

FEBRUARY 6, 1942.

[F. R. Doc. 42-1395; Filed, February 16, 1942;  
3:02 p. m.]

[Recommendation No. 35]

##### PART 1505—TRANSPORTATION

###### COST EQUALIZATION, DISTRICT FIVE

*To the Transportation Committee of District Five, to all suppliers of petroleum and petroleum products, and to all other persons, natural or artificial, engaged in the petroleum industry, who are or may be affected by an increase in the cost of transporting petroleum and petroleum products in, to or from said district.*

In order to alleviate the serious adverse effect on the progress of the war effort, and on the public generally, of a scarcity of petroleum and petroleum products in the Pacific Northwest caused by the shortage of tanker capacity resulting from the exigencies of warfare, it is necessary that other and more costly additional means of transportation be employed. All available alternative means

16 F.R. 6433.

of transportation must be employed immediately to a maximum and the increased costs of such transportation should be shared equitably among all affected.

Therefore, pursuant to the President's letter of May 28, 1941, establishing the Office of Petroleum Coordinator for National Defense, I do hereby recommend that immediately and until further notice:

§ 1505.48 *Plans for equalizing transportation costs.* The Transportation Committee for District Five shall obtain and analyze all pertinent and available facts, figures, and other data and prepare therefrom a plan, for submission to the Chief Counsel of the Office of Petroleum Coordinator for National Defense, for the equitable distribution, among all persons affected, of the excess costs of transportation of petroleum and petroleum products in, to or from the Pacific Coast area by railroad tank cars or other alternative means of transportation, or any combinations thereof, over transportation by tanker under the Maritime Commission charter rate ceilings.\*

\*§§ 1505.48 to 1505.50, inclusive, issued under the authority contained in the President's letter of May 28, 1941 to the Secretary of the Interior (6 F.R. 2760).

§ 1505.49 *Effectuating plans.* Upon the approval by the Chief Counsel of the Office of Petroleum Coordinator for National Defense of a plan prepared pursuant to § 1505.48, and pursuant to the direction of the Petroleum Coordinator for National Defense or the Deputy Petroleum Coordinator, the Transportation Committee of District Five, all suppliers of petroleum or petroleum products and all other persons, natural or artificial, engaged in the petroleum industry, who are or may be affected by an increase in the cost of transporting petroleum and petroleum products in, to or from said district, shall carry into effect said plan according to its terms, conditions and intent.\*

§ 1505.50 *Meetings.* Meetings of the Transportation Committee of District Five and of representatives of the aforesaid suppliers and other affected persons shall be held from time to time for the purpose of obtaining the foregoing facts, figures and other data and for the purpose of preparing the aforesaid plan and, after its approval by the Chief Counsel of the Office of Petroleum Coordinator for National Defense, of carrying into effect such plan in accordance with the foregoing provisions of this Recommendation.\*

R. K. DAVIES,  
Deputy Petroleum Coordinator  
for National Defense.

FEBRUARY 6, 1942.

[F.R. Doc. 42-1393; Filed, February 16, 1942;  
3:02 p. m.]

[Recommendation No. 33]

## PART 1508—MARKETING

SUBCOMMITTEE OF SUPPLIES AND  
DISTRIBUTION, DISTRICT ONE

*To the General Committee for District One, to all other committees for District One, and to all marketers and suppliers of petroleum or petroleum products in said District:*

The Congress of the United States has declared the existence of a state of war between the Government and the people of the United States and the Imperial Japanese Government, the Government of Germany, and the Government of Italy.

The diversion for war and other essential purposes of a part of the American tanker fleet normally in Atlantic Coast service has resulted in a shortage of tanker tonnage available for the transportation of petroleum and petroleum products on the Atlantic Coast. Because of the exigencies of warfare, the efficiency of operation of the tankers remaining in this service will be reduced and the regularity of sailing schedules impaired. These factors threaten, unless abated, to result in intermittent periods of scarcity of petroleum and petroleum products, in areas of the Atlantic Coast States dependent chiefly on tanker transportation for petroleum.

It is essential in the national interest that all possible steps be taken to avert or alleviate the serious adverse effects on the progress of the war effort and the public generally which such periods of scarcity of petroleum and petroleum products in the Atlantic States would occasion.

Therefore, pursuant to the President's letter of May 28, 1941, establishing the Office of Petroleum Coordinator for National Defense, I do hereby recommend that immediately and until further notice:

§ 1508.17 *Designation of special subcommittee; statistical information.* A special subcommittee consisting of 16 members to be known as the Subcommittee of Supplies and Distribution, be designated by the General Committee for District One, the membership of which shall be subject to the approval of the Petroleum Coordinator for National Defense or of the Deputy Petroleum Coordinator. Said Subcommittee shall obtain, analyze and keep current all pertinent and available facts, figures, and other data with respect to stock inventories and demand for petroleum and petroleum products in District One.\*

\*§§ 1508.17 to 1508.24, inclusive, issued under the authority contained in the President's letter of May 28, 1941, to the Secretary of the Interior (6 F.R. 2760).

§ 1508.18 *Sale, exchange, and loan of petroleum products.* The Subcommittee of Supplies and Distribution shall coordinate, arrange for, and, after approval by the Chief Counsel of the Office of Pe-

troleum Coordinator for National Defense and subject to the direction of the Petroleum Coordinator for National Defense or the Deputy Petroleum Coordinator, carry into effect the sale, exchange, or loan of petroleum and petroleum products among the various marketers and suppliers in District One wherever and to whatever extent may be necessary to facilitate and assure the distribution of the available supply of petroleum and petroleum products in District One to meet in such District and in the order of statement, the needs of (1) the military forces of the United States, (2) the war industries, (3) the essential civilian requirements, and (4) other reasonable civilian requirements.\*

§ 1508.19 *Distribution and division of available petroleum.* In cases of an emergency character, where the District Director of Marketing for District One of the Office of Petroleum Coordinator for National Defense finds that immediate measures are essential to accomplish the objectives of this Recommendation and that, because of the need for speed, the procedure provided in § 1508.18 is inadequate, the said Subcommittee or the Executive Secretary of such Subcommittee shall, subject to the direction of the said Director, make temporary arrangements for the distribution and division of incoming supplies and existing inventories of petroleum and petroleum products among the several marketers and suppliers in such manner, at such times, and in such amounts, as will result in the most efficient method of assuring a continuous supply of petroleum and petroleum products to meet war, defense, and essential civilian demands as they arise, while, at the same time and so far as is not inconsistent therewith, providing equal treatment for all marketers and suppliers affected thereby. The marketers and suppliers affected thereby shall comply with such arrangements and shall carry into effect such sales, exchanges, or loans of petroleum and petroleum products. The said District Director of Marketing shall promptly submit to the Chief Counsel of the Office of Petroleum Coordinator for National Defense a full report on any action taken under the provisions of this section.\*

§ 1508.20 *Plans.* The Subcommittee of Supplies and Distribution shall, in the event the Director of Marketing for District One finds that the methods provided in § 1508.18 are inadequate to assure the efficient and equitable distribution of petroleum and petroleum products to meet essential demands in the affected areas, devise and present to the Chief Counsel of the Office of Petroleum Coordinator for National Defense, plans to accomplish the objectives of this Recommendation. Without limitation as to other necessary or appropriate provisions, such plans may provide for the exchange, loan, sale, lease, or pooling of petroleum and petroleum products, and of production, transportation, refining and storage facilities wherever and to

whatever extent may be necessary for the purpose of this Recommendation.\*

§ 1508.21 *Meetings.* Meetings of the said Subcommittee, representatives of the several marketers and suppliers, and other persons who may be affected may be held from time to time for the purpose of effectuating the provisions of § 1508.18 and of preparing the plans provided for in § 1508.20. The said Subcommittee, representatives, and persons may, upon the approval of any of the aforesaid plans by the Chief Counsel of the Office of Petroleum Coordinator for National Defense meet from time to time for the purpose of doing all things necessary to carry into effect any such plan in accordance with the purposes of this Recommendation.\*

§ 1508.22 *Effectuating plans.* The said Subcommittee and all persons affected by any proposal or plan formulated in accordance with § 1508.20 shall, upon the approval of any such proposal or plan by the Chief Counsel of the Office of Petroleum Coordinator for National Defense and pursuant to the direction of the Petroleum Coordinator for National Defense or the Deputy Petroleum Coordinator, carry into effect such proposal or plan according to its terms, conditions, and intent.\*

§ 1508.23 *Administration.* In carrying out the duties, responsibilities, and functions under this Recommendation, the Subcommittee of Supplies and Distribution shall consult with the other committees and subcommittees in District One and with the committees in the other Districts to the extent that proposals or activities hereunder may affect such other Districts, and to this end all such committees and subcommittees shall supply the Subcommittee of Supplies and Distribution with such information, material, and assistance as may be necessary and desirable to carry into effect the purposes and intent of this Recommendation. The Subcommittee of Supplies and Distribution shall maintain such staff and appoint such persons as it finds necessary to carry out its duties, responsibilities and functions under this Recommendation. The General Committee or the said Subcommittee from time to time may propose to the Petroleum Coordinator for National Defense or to the Deputy Petroleum Coordinator changes in the membership of the said Subcommittee and may submit nominations for new members.\*

§ 1508.24 *Conflicting provisions.* This Recommendation shall supersede and cancel Recommendation No. 5<sup>1</sup> to the extent that there is any conflict therewith.\*

R. K. DAVIES,  
Deputy Petroleum Coordinator  
for National Defense.

FEBRUARY 6, 1942.

[F. R. Doc. 42-1394; Filed, February 16, 1942;  
3:02 p. m.]

<sup>1</sup> 6 F.R. 6015.

## TITLE 46—SHIPPING

## CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

## SUBCHAPTER N—EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

[Order No. 212]

PART 146<sup>1</sup>—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

## Order Amending Dangerous Cargo Regulations by Incorporating Applicable Provisions of Amendments Promulgated by the Interstate Commerce Commission in Its Docket No. 3666 of November 8, 1941

Pursuant to the authority vested in the Secretary of Commerce by section 4472 of the Revised Statutes, as amended, the regulations for the safe carriage of explosives or other dangerous articles or substances, and combustible liquids, as promulgated January 7, 1941, including subsequent amendments thereto, are hereby further amended effective immediately, under the emergency provision contained in subsection (9) of R.S. 4472, as amended, as follows:

§ 146.04-5 *List of explosives and other dangerous articles and combustible liquids.*

Following the article "Arsenic, white solid" add: "Arsenical compounds or mixtures, "Pois. B." "Poison" N. O. S., liquid"

Delete: "Charcoal, animal." "Inf. S."

Delete: "Charcoal, bone." "Inf. S."

Following the article "Ethyl chloride" add: "Ethyl formate" "Inf. L." "Red"

Following the article "Guanyl nitro-samino guanyl tetrazene" add: "Guandine nitrate" "Inf. S." "Yellow"

Following the article "Monochloroacetone" add: "Monochlorodifluoromethane" "Noninf. G." "Green" "Monochlorotetrafluoroethane" "Noninf. G." "Green"

Following the article "Nitro-carbo nitrate" add: "nitrocellulose colloided, granular or flake-wet with an inflammable liquid" "Inf. L." "Red"

Following the article "Potassium nitrate (see: "Nitrates")" add: "Potassium nitrite" "Oxy. M." "Yellow"

Following the article "Waxes, liquid" add: "Wet nitrocellulose (30% inflammable liquid) (see: "Nitrocellulose, wet with an inflammable liquid")" "Wet nitrocellulose (20% water) (see: "Nitrocellulose, wet with water")"

§ 146.20-50 *Stowage and storage chart of explosives and other dangerous articles.*

In both the horizontal and vertical columns following the description "Ammunition for cannon with explosive projectiles, gas projectiles, smoke projectiles or incendiary projectiles, ammunition for

small arms with explosive bullets" add: "(4)".

In the same columns following the description "Explosive projectiles, bombs, torpedoes, or mines, rifle or hand grenades (explosive)" add: "(4)".

To the footnote add: "4 Projectiles, bombs, grenades, or other forms of ammunition containing incendiary charges, either with or without bursting charges, must not be stowed with any dangerous explosives, Class A, or less dangerous explosives, Class B".

§ 146.20-100 *Table B—Class B: Less dangerous explosives.*

Article: "Fireworks (Railway torpedoes—track torpedoes)" In columns 4, 5, 6 and 7 under "Outside containers" and following "Wooden boxes" add: "Fiberboard boxes. WIC (ICC-12B) not over 65 lbs. gr. wt."

Article: "Smokeless powder for cannon". In column 4 under "Outside containers" and following "Metal kegs" add: "Wooden boxes. (ICC-15A) Lined (ICC-2L)".

§ 146.21-14 *Limited quantity shipments.* Amend paragraph (a) to read:

(a) Inflammable liquids, except carbon bisulfide (disulfide), ethyl chloride, ethylene oxide, nickel carbonyl, spirits of nitroglycerin in excess of 1% by weight, and zinc ethyl, when packed in inside glass or earthenware containers not over 1 pint or 16 ounces by weight each, or inside metal containers not over 1 quart capacity each, packed in strong outside containers, except as otherwise provided, are exempt from specification packaging, marking other than name of contents, and labeling requirements.

§ 146.21-15 *Limited quantity shipments of paint products.* Amend paragraph (a) to read:

(a) Paint, enamel, lacquer, stain, shellac, varnish, aluminum, bronze, gold, wood filler, liquid, and lacquer base liquid, and thinning, reducing and removing compounds therefor, and driers, liquid, therefor, when packed in inside glass or earthenware containers of not over 1 quart capacity each, or metal containers not over 5 gallons capacity each, and packed in strong outside containers are exempt from specification packaging, marking other than name of contents, and labeling requirements.

Add a new section as follows:

§ 146.21-16 *Limited quantity shipments of polishes.* (a) Polishes, metal, stove, furniture and wood, liquid, when packed in inside glass or earthenware containers of not over 1 quart capacity each, or metal containers not over 5 gallons capacity each, and packed in strong outside containers are exempt from specification packaging, marking other than name of contents, and labeling requirements.

(b) Such shipments may be accepted on board all vessels subject to these regulations, provided the bill of lading or other shipping paper correctly describes the article in accordance with the true

name as shown in the commodity list. Stowage shall be "on deck under cover" or "Tween decks" in a compartment not subject to artificial heat.

§ 146.21-100 *Table D—Classification: Inflammable liquids.*

Following the article "Ethyl chloride", in column 1 add: "Ethyl formate".

In column 2 add:

*Colorless, inflammable liquid, soluble in water. Flash point about 10° F. Vapors when mixed with air are explosive over a range of 3.5 to 16.5%. Vapors are about 2½ times heavier than air. Boiling point 130° F. Keep cool.*

In column 3 add: "Red".

In column 4 add:

"Stowage: On deck protected. On deck under cover. Tween decks readily accessible.

"Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) not over 5 gal. cap.

"Aluminum barrels or drums: (ICC-42B, 42C) not over 110 gal. cap.

"Wooden barrels or kegs: (ICC-10A) not over 50 gal. cap. (ICC-11A, 11B) WIC not over 16 gal. cap.

"Wooden boxes WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 16 gal. cap.

"Fiberboard boxes, WIC (ICC-12B) not over 65 lbs. gr. wt.

"Fiber drums, (ICC-21A) with single inside container not over 1 gal. cap.

"Cylinders as prescribed for any compressed gas, except acetylene".

In columns 5, 6 and 7 add: "Not permitted".

§ 146.21-100 *Table D—Classification: Inflammable liquids.*

To the article "Nitrocellulose, wet with an inflammable liquid", in column 1 between the second and third paragraph add: "Nitrocellulose colloided, granular or flake—wet with 20% alcohol or solvent".

§ 146.22-8 *Limited quantity shipments.* Amend paragraph (a) to read:

(a) Inflammable solids and oxidizing materials when packed in inside containers of not over 1 pound net weight each, and packed in outside containers not exceeding 25 pounds net weight each, are exempt from specification packaging, marking other than name of contents, and labeling requirements, unless otherwise provided by the regulations in this part.

Amend paragraph (b) to read:

(b) Inflammable solids and oxidizing materials total weight not over 16 ounces in any outside package, unless otherwise provided by the regulations in this part, are exempt from specification packaging, marking other than name of contents, and labeling requirements.

§ 146.22-100 *Table E—Classification: Inflammable solids and oxidizing materials.*

Article: "Charcoal, animal", "Charcoal, bone".

<sup>1</sup> 6 FR. 254, 303, 371, 424, 462, 490.

In column 1 delete: "Charcoal, animal", "Charcoal, bone".

In column 2 delete: "These charcoals are the products of animal blood or animal bone".

In column 3 delete: "No label required".

Article: "Matches, book", "Matches card", "Matches, strike-on-box".

In columns 4, 5, 6 and 7, amend text to read: "Matches, strike-on-box, book and card, in outside fiberboard or wooden boxes, or matches strike-on-box, book and card when packed with noninflammable articles provided they are included in a tightly closed cardboard or fiberboard container, or are securely wrapped and packed so as to prevent accidental ignition, before being placed in the outside containers, are exempt from specification packaging, marking other than name of contents, and labeling requirements".

Article: "Motion-picture film (cellulose acetate base)".

In column 2 add: "Outside containers shall be marked with the descriptive name of contents".

Article: "Motion-picture film, old and worn out (cellulose acetate base)".

In column 1 add: "Motion-picture film, scrap (cellulose acetate base)".

In column 2 delete: "(not scrap)" and add in lieu thereof "(including scrap)".

In column 2 add: "Outside containers shall be marked with descriptive name of contents".

Article: "Motion-picture film, toy".

In column 2 add: "Outside containers shall be marked with descriptive name of contents".

Article: "Motion-picture film, toy, standard width".

In column 1 amend to read: "Motion-picture film, toy, standard with (nitro-cellulose base). Each reel shall be in a tightly closed metal can".

Article: "Nitrates".

In column 2 opposite "Nitrates" add: "All outside containers of nitrates shall be marked with the appropriate descriptive name of the nitrate packed within the container".

Article: "Nitrates".

In column 1 following "Calcium nitrate" add: "Guanidine nitrate".

In column 2 add: "Colorless crystals or fine granular powder. Moderately soluble in water. Stow separate from all combustible materials, explosives or acids (white label)".

In column 3 add: "No label required".

Following the article "Zinc nitrate" in column 1 add: "Nitrites": "Potassium nitrite".

In column 2 add: "White or slightly yellow granules or rods. Decomposed in contact with acids evolving brown fumes of nitrous anhydride. Involved in a fire will intensify the burning of all combustible materials. Stow separate from all combustible materials, explosives, inflammable liquids or acids (white label). Carefully clean and remove all residue of nitrite remaining in a compartment used for the stowage of this substance."

In column 3 add: "Yellow".

In columns 4 and 5 add: "Stowage: On deck protected. On deck under cover. Tween decks. Under deck".

In column 6 add: "Ferry stowage (AA)".

In column 7 add: "Ferry stowage (BB)".

In columns 4, 5, 6 and 7 add: "Outside containers: Steel barrels or drums (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17E, 37D, 37E, 37F) STC, not over 55 gal. cap.

"Wooden barrels or kegs (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 400 lbs. gr. wt.

"Wooden boxes, WIC (ICC-15A, 15B, 15C, 16A, 19A) not over 250 lbs. gr. wt.

"Fiberboard boxes (ICC-12B) WIC, not over 65 lbs. gr. wt.

"Fiber drums (ICC-21A) not over 150 lbs. gr. wt.

"Plywood drums (ICC-22A) (ICC-22B) WIC, not over 150 lbs. gr. wt".

§ 146.23-11 *Limited quantity shipments*. Amend paragraph (a) to read:

(a) Acids and other corrosive liquids in quantity not exceeding 1 pound in bottles, each enclosed in a metal can, and packed in outside containers, are exempt from specification packaging, marking other than name of contents, and labeling requirements unless otherwise provided by the regulations in this part.

Amend § 146.23-12 *Nonspecification export carboys authorized* to read:

§ 146.23-12 *Specification export carboy*. (a) Corrosive liquids for which the specification (ICC-1A) boxed glass carboy is authorized by the provisions of the table in § 146.23-100 may also be offered and accepted for export shipments only, when packed in specification (ICC-1X) boxed glass carboy.

(b) Such export shipments may be accepted for transportation provided the bill of lading or other shipping paper correctly describes the article in accordance with the true name as shown in the commodity list. Stowage shall be as prescribed by the provisions of the table in § 146.23-100 for the particular substance laden within the carboy and applicable for the particular character of vessel upon which its acceptance is permitted.

§ 146.23-100 *Table F—Classification: Corrosive liquids*.

Article: "Batteries, electric storage, wet".

In column 1 amend note to read:

"NOTE: Electric storage batteries, containing electrolyte or corrosive battery fluid of the nonspillable type, protected against short circuits and completely and securely boxed, are exempt from specification packaging, marking other than name of contents, and labeling requirements".

In column 2 add:

"NOTE: Shall be completely protected so that short circuits will be prevented".

"NOTE: Shall not be packed with other articles except electrolyte or corrosive

battery fluid, or portable searchlights properly cushioned".

"NOTE: Observe instructions regarding 'This side up' stowage".

In column 3 amend to read:

"White, unless exempt from labeling requirements".

In columns 4, 5, 6 and 7 delete:

"NOTE: Shall be completely protected so that short circuits will be prevented".

"NOTE: Shall not be packed with other articles except electrolyte or corrosive battery fluid, or portable searchlights properly cushioned".

"NOTE: Observe instructions regarding 'This side up' stowage".

In columns 6 and 7 amend provisions governing carload or truckload shipments of electric storage batteries to read: "Carloads or truckload shipments of electric storage batteries containing electrolyte or battery fluid, loaded or braced to prevent damage in transit and short circuits, are exempt from specification packaging, marking other than name of contents, and labeling requirements".

In columns 4 and 5 under "Outside containers" add:

"Wooden boxes (Non-specification) completely closed, having cleated ends, and two skids of at least 3" x 3" size attached to the bottom of the box".

"Wooden or metal trays (Non-specification). Carload or truckload shipments of electric storage batteries permitted by regulations to be shipped without being packed in an outside container, shall when stowed on board a vessel be packed in wooden or metal trays so constructed as to protect the batteries from damage, short circuit or from the weight of imposed stowage resting upon the batteries".

§ 146.24-100 *Table G—Classification: Compressed gases*.

Following the article "Methyl chloride" in column 1 add: "Monochlorodifluoromethane". "Monochlorotetrafluoroethane".

In column 2 add: "Non-inflammable gas. Non-poisonous, but excessive quantities in an enclosed space may cause suffocation. Odorless. Very much heavier than air. Decomposes when passed through flames, evolving hydrochloric and hydrofluoric acid fumes".

In column 3 add: "Green gas".

In column 4 add: "Stowage: On deck protected. On deck under cover. Tween decks readily accessible. Under deck away from heat".

"Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars (ICC-106A-500). Tanks (ICC-106A-500)".

In column 5 add:

"Stowage: On deck protected. On deck under cover. Tween decks readily accessible. Cargo hatch trunkway".

"Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tanks (ICC-106A-500)".

In column 6 add: "Ferry stowage (AA)".



"Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tanks (ICC-106A-500)".

In column 7 add: "Ferry stowage (BB)".

"Containers: Cylinders: Tank cars (ICC-106A-500). Tanks (ICC-106A-500)".

§ 146.25-10 *Limited quantity shipments.* Amend the first paragraph of paragraph (a) to read:

(a) Poisonous liquids, Class B, as defined herein, except hydrocyanic acid solutions, methyl bromide, motor fuel antiknock compound, phenyldichlorarsine and tetraethyl lead in tightly closed inside containers securely cushioned when necessary to prevent breakage and packed as follows are exempt from specification packaging, marking other than name of contents, and labeling requirements.

Amend the first paragraph of paragraph (b) to read:

(b) Poisonous solids, Class B, except cyanides, as described in (c), in tightly closed inside containers, securely cushioned when necessary to prevent breakage and packed as follows, are exempt from specification packaging, marking other than name of contents, and labeling requirements.

Amend subparagraph (b) (2) to read:

(2) In inside chipboard, pasteboard, or fiber cartons, cans, or boxes, of not over 5 pounds capacity each, packed in outside fiberboard or wooden boxes. Not more than 5 of these cartons shall be packed in any outside container.

Amend the first paragraph of paragraph (c) to read:

(c) Cyanides, when packed and described as follows, are exempt from specification packaging, marking other than name of contents, and labeling requirements.

§ 146.25-100 *Table H—Class B: Less dangerous poisons.*

Article: "Arsenical compounds or mixtures, N. O. S., solid".

In columns 4, 5, 6 and 7 under "Outside containers" amend "Triplex bags" to read: "Triplex bags (ICC-36A, 36B). Authorized only for arsenical insecticides and fungicides containing 10.0 per cent or less of arsenic trioxide ( $As_2O_3$ )".

Following the article "Arsenous and mercuric iodide solution, liquid", in column 1 add: "Arsenical compounds or mixtures, N. O. S., liquid".

In column 2 add: "These substances are in the form of liquids or liquid paste. Poisonous if taken internally. Will contaminate foodstuffs. Stow away from living quarters and foodstuffs. Do not stow with acids (white label)".

In column 3 add: "Poison".

Article: "Cyanides, dry". "Cyanide mixtures, dry".

In columns 4, 5, 6 and 7 add: "Bags (cloth and paper, lined) (ICC-45B) for

sodium cyanides of globular or pellet form. Not over 100 lbs. net wt."

In column 4 only, add: "Bulk. In airtight railroad cars". "Bulk. In airtight metal-body covered motor vehicles".

§ 146.25-100 *Table N—Class C: Tear gas or irritating substances.*

Article: "Monochloroacetone, stabilized".

In column 4 under "Outside containers" add: "Wooden boxes (ICC-15A, 15B, 15C, 16A) WIC. Not over 24 lbs. net wt. of liquid".

Article: "Police grenades, tear gas".

In columns 4, 5, 6 and 7 under "Outside containers" add: "Metal drums (ICC-37D) not more than 24 grenades and not over 75 lbs. gr. wt."

Add two sections to Part 146 of the regulations as follows:

#### *Temporary Amendments to Regulations*

§ 146.28-1 *Scope.* The regulations contained in the sections under the heading "Temporary Amendments to Regulations" are supplementary and amendatory to the regulations in Part 146 and are effective for the duration of the present war, except as hereafter modified or rescinded.

§ 146.28-2. *Reused single-trip containers.* Notwithstanding the provisions of § 146.05-10 (h), single-trip containers may for the duration of the present war be reused if retested and approved for service in accordance with the regulations of the Interstate Commerce Commission in effect at the time of shipment. (R.S. 4472, as amended; 46 U.S.C., 1940 ed., 170)

WAYNE C. TAYLOR,  
*Acting Secretary of Commerce.*

FEBRUARY 17, 1942.

[F. R. Doc. 42-1411; Filed, February 17, 1942; 11:51 a. m.]

### Notices

#### FEDERAL POWER COMMISSION.

[Project No. 120]

IN THE MATTER OF SOUTHERN CALIFORNIA  
EDISON COMPANY LTD.

ORDER FURTHER POSTPONING REHEARING

FEBRUARY 16, 1942.

It appearing that good cause exists for the postponement of the rehearing in the above-entitled proceeding;

It is ordered, That the rehearing on this proceeding now set for February 17, 1942, is hereby postponed until July 13, 1942, at 9:45 a. m. (E. W. T.) in the Hurley-Wright Building at 1800 Pennsylvania Avenue NW., Washington, D. C.

By the Commission.

[SEAL]

LEON M. FUQUAY,  
*Secretary.*

[F. R. Doc. 42-1353; Filed, February 17, 1942; 9:17 a. m.]

#### SECURITIES AND EXCHANGE COMMISSION.

[File No. 802-5]

IN THE MATTER OF SHATTUCK & BROOKS

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 16th day of February, A. D. 1942.

An application having been duly filed on November 27, 1941, by the above named applicant under and pursuant to the provisions of section 202 (a) (11) (F) of the Investment Advisers Act of 1940 for an order declaring applicant not within the intent of paragraph 202 (a) (11) of that Act;

It is ordered, That a hearing on the aforementioned application be held on Wednesday, February 25, 1942, at 10:30 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That Robert P. Reeder, Esq., or any officer or officers of the Commission designated by it for that purpose, shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant or to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,  
*Secretary.*

[F. R. Doc. 42-1399; Filed, February 17, 1942; 11:45 a. m.]

[File No. 802-6]

IN THE MATTER OF AUGUSTUS P. LORING, JR.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 16th day of February, A. D. 1942.

An application having been duly filed on December 15, 1941, by the above named applicant under and pursuant to the provisions of section 202 (a) (11) (F) of the Investment Advisers Act of 1940 for an order declaring applicant not within the intent of paragraph 202 (a) (11) of that Act;

It is ordered, That a hearing on the aforementioned application be held on Wednesday, February 25, 1942, at 10:15 o'clock in the forenoon of that day at



the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW. Washington, D. C. On such day the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

*It is further ordered*, That Robert P. Reeder, Esq., or any officer or officers of the Commission designated by it for that purpose, shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant or to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 42-1400; Filed, February 17, 1942;  
11:46 a. m.]

[File Nos. 59-17, 59-11, 54-25]

IN THE MATTER OF THE UNITED LIGHT AND POWER COMPANY, THE UNITED LIGHT AND RAILWAYS COMPANY, AMERICAN LIGHT & TRACTION COMPANY, CONTINENTAL GAS & ELECTRIC CORPORATION, AND IOWA-NEBRASKA LIGHT AND POWER COMPANY, RESPONDENTS; THE UNITED LIGHT AND POWER COMPANY AND ITS SUBSIDIARY COMPANIES, RESPONDENTS; AND THE UNITED LIGHT AND POWER COMPANY, APPLICANT

NOTICE OF FILING OF RESPONDENTS' APPLICATION NO. 9 AND ORDER RECONVENING HEARING FOR PURPOSE OF CONSIDERING SAID APPLICATION NO. 9

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 17th day of February 1942.

The Commission having previously, by order entered in these proceedings on March 20, 1941, ordered among other things the dissolution of The United Light and Power Company; and the Commission having also by order entered in these proceedings on August 5, 1941 ordered among other things the disposition of various properties and assets pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935, and said order having provided that the respondents should make application to the Commission for the entry of such further orders as were necessary or appropriate for that purpose, and the Commission having reserved jurisdiction to enter such further orders as might be necessary or appropriate with respect to other matters in this proceeding;

Notice is hereby given that Continental Gas & Electric Corporation, (Continental) a registered holding company and a subsidiary of The United Light and Power Company, and Eastern Kansas Utilities, Inc., a newly organized Kansas corpora-

tion (Eastern Kansas), have filed, on February 12, 1942, an application designated as "Application No. 9" pursuant to sections 6, 7, 9, 10, 11, and 12 of the Act and Rule U-50 and any other applicable sections of the Act or Rules thereunder with respect to various proposed transactions hereinafter summarized as follows:

Continental has entered into a written agreement with The Kansas Utilities Company, a subsidiary of Community Power and Light Company, a registered holding company, whereby Continental agreed to purchase, subject to the approval of the State Corporation Commission of Kansas and of this Commission the property and assets of The Kansas Utilities Company, for the consideration of \$2,300,000 subject to adjustments of the purchase price for the net current assets less cash, of the seller. Continental does not propose to acquire such utility assets and other property directly, but proposes that Eastern Kansas, which was organized by Continental, acquire such utility assets and other property and that Eastern Kansas secure the necessary funds for such acquisition through the subscription and purchase by Continental of not to exceed \$1,500,000 of the common stock of Eastern Kansas and the issuance and private sale of \$1,000,000 principal amount of first mortgage bonds by Eastern Kansas in order to raise the balance of said purchase price.

The detailed transactions are more particularly summarized and set forth as follows:

(1) Eastern Kansas, which now has a capitalization of 15,000 shares of authorized but unissued common stock, par value \$100 per share, proposes to issue and Continental proposes to acquire for cash such 15,000 shares of common stock. In connection therewith Continental proposes to assign to Eastern Kansas all of its rights in, and Eastern Kansas proposes to assume all of Continental's obligations under, the existing agreement between Continental and The Kansas Utilities Company covering the sale of the latter company's property and assets. The \$1,500,000 received by Eastern Kansas for its stock will be used to pay in part for the property and assets of The Kansas Utilities Company to be acquired under the contract assigned to it by Continental.

(2) Eastern Kansas proposes to acquire all of the property and assets, except cash, of The Kansas Utilities Company, consisting principally of facilities for the generation, transmission, and distribution of electric energy in the counties of Allen, Anderson, Bourbon, Coffey, Linn, Miami, Neosho, and Woodson in southeastern Kansas. The acquisition will also include certain non-utility properties, consisting of an ice making plant in Chanute, Kansas, a refrigerating storage plant in Burlington, Kansas, and a steam heating system in Fort Scott, Kansas. The consideration for such acquisition is \$2,300,000 in cash plus such further sum as shall represent the net current assets of The Kansas Utilities Company.

(3) In order to provide the additional funds necessary to purchase the property

and assets of The Kansas Utilities Company and to provide working capital, Eastern Kansas proposes to issue and sell privately to The Northwestern Mutual Life Insurance Company, at a price of 101 plus accrued interest to date of purchase, \$1,000,000 principal amount of First Mortgage 3½% Bonds, to be dated March 1, 1942, maturing March 1, 1967, secured by a First Mortgage on all of the fixed property to be acquired from The Kansas Utilities Company, and all other fixed property then or thereafter acquired by it, excluding certain classes of nonutility properties.

Eastern Kansas has further requested that the Commission's order approve the issuance and sale of the aforementioned bonds exempt from the competitive bidding requirements of Rule U-50; and

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that the hearings herein be reconvened for the purpose of considering said Application No. 9;

*It is ordered*, That the hearing in this proceeding shall be reconvened at the office of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C., in such room as may be designated on such date by the Hearing Room Clerk in Room 1102, at 10:00 A. M. on the 10th day of March 1942. All persons desiring to be heard or otherwise wishing to participate in the proceedings should notify the Commission in the manner provided by our Rules of Practice, Rule XVII, on or before March 7, 1942. At said reconvened hearing on that day the issues will be limited to a consideration of the matters presented by said Application No. 9 with respect to all of the various transactions previously summarized above.

All interested persons are referred to said Application No. 9 which is on file in the office of said Commission for a full statement of the transactions therein proposed.

*It is further ordered*, That James G. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matters. The officer so designated to preside at such hearing is hereby authorized to assert all powers granted to the Commission under section 18 (c) of the Act and to the trial examiner under the Commission's Rules of Practice.

*It is further ordered*, That without limiting the scope of issues presented by said application, particular attention will be directed at said hearing to the following matters and questions:

(1) Whether the consideration, including all fees, commissions and other remuneration, to whomsoever paid for the acquisition of securities or utility assets is not reasonable or does not bear a fair relation to the sums invested in or the earning capacity of the utility assets to be acquired or the utility assets underlying the securities to be acquired;

(2) Whether such transfers or acquisitions of securities will unduly complicate the capital structure of the

holding company system or will be detrimental to the public interest or the interest of investors or consumers or the proper functioning of such holding company system;

(3) Whether the utility properties to be acquired constitute an integrated electric system or systems, or will, when acquired, constitute part of an integrated public utilities system already directly or indirectly owned and operated by Continental;

(4) Whether the ice making plant, the refrigerating storage plant and the steam heating plant proposed to be acquired are reasonably incidental or necessary or appropriate to the operation of Eastern Kansas or such other integrated public utility system of which it may be deemed to be a part, and not detrimental to the utility properties to be operated by Eastern Kansas or such integrated public utility system of which it may be deemed to be a part;

(5) Whether the proposed security structure of Eastern Kansas complies with the applicable sections of the Act;

(6) Whether the terms and conditions of the acquisition of the securities of Eastern Kansas by Continental are consistent with and meet the applicable standards of the Act;

(7) Whether the issue and sale of bonds by Eastern Kansas are consistent with and meet the applicable standards of the Act;

(8) Whether the proposed transactions as outlined in Application No. 9 meet the standards of the section 11 (b) (1) and Section 11 (b) (2) proceedings instituted by the Commission;

(9) Whether compliance with Paragraphs (b) and (c) of Rule U-50 with respect to the issuance and sale of the First Mortgage Bonds of Eastern Kansas is not appropriate to aid the Commission (in carrying out the provisions of Section 7 of the Act) to determine whether the fees, commissions, or other remuneration to be paid directly or indirectly in connection with the issue, sale or distribution of such securities are reasonable, or whether any term or condition of such issue or sale is detrimental to the public interest or the interests of investors or consumers.

(10) In the event the Commission finds the proposed transactions appropriate, what terms and conditions, if any, seem necessary and desirable to be imposed on such transactions.

(11) Whether any particular aspect of the remaining transactions enumerated in Application No. 9 are not in compliance with the applicable provisions of

said Act or consistent with the requirements of the orders of March 20, 1941, and August 5, 1941.

Notice of such hearing is hereby given to such declarants or applicants and to any other person whose participation in such proceeding may be in the public interest and for the protection of investors and consumers.

Notice is further given that Eastern Kansas Utilities, Inc. has requested that it be made a party to this proceeding to the extent necessary to entitle it to join in this application and to secure authority of the Commission in this proceeding to consummate the afore-described transactions in which they have an interest.

*It is further ordered,* That the Secretary of this Commission serve notice of the entry of this order by mailing a copy thereof by registered mail to the respondents and applicants and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 42-1401; Filed, February 17, 1942;  
11:46 a. m.]